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WATERKEEPPERS NORTHERN CALIFORNIA
d.b.a DELTAKEEPER

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

WATERKEEPPERS NORTHERN CALIFORNIA,
a non-profit corporation, d.b.a.
DELTAKEEPER

Plaintiff,

v.

RUTH COLEMAN, in her official capacity as
DIRECTOR of CALIFORNIA DEPARTMENT OF
PARKS AND RECREATION,
a state agency

Defendant.

Civil Case No.: S-04-2647 KJM

**STIPULATION TO PLAINTIFF'S
FILING OF ITS FIRST AMENDED
COMPLAINT FOR DECLARATORY
AND INJUNCTIVE RELIEF;
ORDER**

**(Federal Water Pollution Control Act,
33 U.S.C. §§ 1251 et seq.)**

**(Resource Conservation and Recovery
Act, 42 U.S.C. 6901 et seq.)**

Plaintiff Baykeeper¹, doing business through its Deltakeeper Chapter, (hereinafter referred to as "the Deltakeeper Chapter"), and Defendant Department of Parks and Recreation ("DPR") hereby agree and stipulate to the following:

WHEREAS, on October 12, 2004 the Deltakeeper Chapter issued its Notice of Violation and

¹ Waterkeepers Northern California has officially changed its name to Baykeeper. Deltakeeper remains a chapter of Baykeeper.

1 Intent to File Suit letter to Defendant and the regulatory agencies pursuant to the Clean Water Act;

2 WHEREAS, on December 15, 2004, the Deltakeeper Chapter filed its Complaint for Declaratory
3 and Injunctive Relief;

4 WHEREAS, on October 6, 2005, the Deltakeeper Chapter issued a Supplemental Notice of
5 Violation and Intent to File Suit ("Supplemental Notice Letter") letter alleging violations of the Clean
6 Water Act and the Resource Conservation and Recovery Act;

7 WHEREAS, pursuant to the Resource Conservation and Recovery Act the Deltakeeper Chapter
8 must wait 90 days after issuance of the Supplemental Notice Letter to file its First Amended Complaint;

9 WHEREAS, as of January 10, 2006 more than 90 days has passed since the Deltakeeper Chapter
10 issued its Supplemental Notice Letter;

11 WHEREAS, Plaintiff provided a copy of its First Amended Complaint to Defendant, which
12 Plaintiff will file pursuant to this stipulation;

13 WHEREAS, Plaintiff and Defendant ("the Parties") desire to save resources and have agreed to
14 stipulate to Plaintiff's filing of its First Amended Complaint;

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1 THEREFORE, the parties hereby agree and stipulate that:

- 2 1. Plaintiff will file its First Amended Complaint on January 10, 2006.
- 3 2. Counsel for Defendant will accept service of the First Amended Complaint.
- 4 3. Defendant will file its responsive pleading by February 10, 2006.
- 5 4. By stipulating to the filing of the First Amended Complaint, Defendant does not waive
- 6 any defense to Plaintiff's claims, nor any challenges to the sufficiency of the First
- 7 Amended Complaint which Defendant could have brought, in the absence of this
- 8 stipulation, in an opposition to a motion by Plaintiff to file the First Amended Complaint.

9 Date: December __, 2005

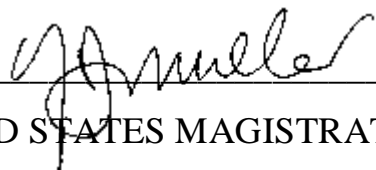
10 /s/ Layne Friedrich, Esquire
11 Layne Friedrich
12 Lawyers for Clean Water, Inc.
Attorney for Plaintiff

13 Date: December __, 2005

14 /s/ Bruce Reeves, Esquire
15 Bruce Reeves
16 (as authorized on December 13, 2005)
17 Deputy Attorney General
Attorney for Defendant

18 IT IS SO ORDERED.

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20 Date: December 14, 2005.

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UNITED STATES MAGISTRATE JUDGE
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